

Position Statement: Privacy

By Authority of: Information & Communication Committee

Region: National

Date of Currency: April 2021

Flexible Living respects the privacy of all people including members, employees, volunteers, our clients/beneficiaries, donors, business partners, contractors and online users, and is committed to safeguarding the personal information that is provided to us.

Purpose

The purpose of this statement is to:

- clearly communicate the personal information handling practices of Flexible Living
- enhance the transparency of Flexible Living operations, and
- give individuals a better and more complete understanding of the sort of personal information that Flexible Living holds, and the way we handle that information.

Scope

This applies to all Flexible Living members, volunteers, employees, clients/beneficiaries, donors, business partners, contractors and online users.

The Privacy Act and this Position Statement do not apply to acts or practices which directly relate to employee records of Flexible Living's current and former employees.

Definitions

Online users refers to anyone that accesses the Flexible Living website.

Personal information as defined by the Privacy Act 1988 (as amended) is information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a. Whether the information or opinion is true or not; and
- b. Whether the information or opinion is recorded in a material form or not.

Sensitive information as defined by the Privacy Act 1988 (as amended) is information or opinion (that is also personal 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 criminal record or health, genetic, biometric information or biometric templates, that is also personal information.

Overview of Flexible Living

Programs and Services

Flexible Living belongs to a family of organisations (Community Services Group) that are committed to supporting and enhancing the quality of life for some of Australia’s most vulnerable.

Flexible Living holds contracts to deliver State and Commonwealth government programs. In providing such services, we comply with the relevant state or national privacy principles and any additional obligations under the contract.

Part A — Our Personal Information Handling Practices

This section explains our general information handling practices across Flexible Living including information about how we collect, use, disclose and store your personal information.

Our obligations under the Privacy Act

This position statement sets out how we comply with our obligations under the Privacy Act 1988 (Privacy Act). We are bound by the Australian Privacy Principles (APPs) in the Privacy Act which regulate how organisations may collect, use, disclose and store personal information, and how individuals may access and correct personal information held about them. We will obtain your consent as applicable prior to collecting, using and/or sharing your information. If you do not provide consent and/or you withdraw your consent at a later date, we may not be able to provide the services you require.

Collection of Personal and Sensitive Information

The nature and extent of personal and sensitive information collected by Flexible Living varies depending on your particular interaction with Flexible Living.

Flexible Living collects personal and sensitive information from clients/ beneficiaries, donors, business partners, Flexible Living people and online users. Further information about the kind of information collected from each of these groups and the usage of such information is detailed below.

Kind of information collected (information collected will vary depending on services required or contact purpose):

- personal contact details (name, address, email etc.)
- personal details including: date of birth, gender, income
- information on personal life and experiences, relationships, family background, supports clients may have in the community
- health information and/or medical history
- business details (for contractors or business partners) – including contact person's name, the name of the organisation which employs the person, telephone numbers, street and postal address, email address and position title
- bank details or credit card numbers (if Flexible Living is to receive payment or make payment for services received)
- Australian Business Number (ABN)
- type of support (e.g. workplace giving, goods in kind, program support, volunteering)
- For employment purposes you may be asked to provide information about country of birth, citizenship, residency and/or visa details
- details of current/previous employment or volunteer involvement, which may include: skills and experience, languages spoken and written qualifications, drivers licence details, information and opinions from referees for prospective employees and candidates for volunteer work a screening check such as Blue Card/ Yellow Card/ WWC card/ Police Check may be required for some roles in Flexible Living (particularly those involving children, young people and other vulnerable individuals). Individuals will be required to provide certain information for a Police Check. There are different arrangements for screening checks in each state and territory of Australia. In some cases the Screening check will be received directly by Flexible Living and then stored securely or destroyed.

How the information is collected:

- service applications
- online registration
- telephone
- during service induction/consultations/meetings/activities

Purpose for which Flexible Living uses the information (not all information is used for all purposes):

- to provide Flexible Living services
- to provide clients/beneficiaries with the most appropriate services for their needs
- to meet any requirements of government funding for programs
- to monitor and evaluate existing services and plan for future services
- to comply with legal obligations

- to process donations and provide accurate receipts
- to establish and manage partnerships
- to manage Flexible Living's relationship with the business partner
- to update the company on Flexible Living appeals for public donations, programs and services
- to process an application to become a member, volunteer or employee of our organisation
- to facilitate a placement in an appropriate service or position
- to assist with services whilst an individual is employed or engaged as a volunteer with Flexible Living
- to meet legislative responsibilities to all volunteers and employees
- to obtain feedback from individuals about their experiences
- to assist Flexible Living to review and improve its programs and services to keep individuals informed about Flexible Living developments and opportunities
- to facilitate further involvements with Flexible Living (e.g. Disability supports, membership, donor)

Children and Young People

Flexible Living is very sensitive to privacy issues. We have a long term commitment to our clients. Flexible Living makes no active effort to collect personal information from Children under the aged of 18 without the consent of a parent or legal guardian.

Online Users

To the extent that this Position Statement applies to online privacy issues, it is to be read as forming part of the terms and conditions of use for the Flexible Living website.

Type of information collected:

- contact details (name, address, telephone numbers, email etc.)
- non-personal information e.g. visitor navigation and statistics
- server address, browser type, date and time of visit
- personal information

Purpose for which Flexible Living uses the information:

- to analyse website usage and make improvements to the website
- Flexible Living does not match the personal information collected with the non-personal information

Additional Information

The website may from time to time contain links to other websites. Flexible Living stresses that when an online user accesses a website that is not the Flexible Living website, it may have a different privacy statement. To verify how that website collects and uses information, the user should check that particular website's privacy statement.

Part B - How We Collect Information

Where possible, we collect your personal and sensitive information directly from you. We collect information through various means, including telephone and in-person interviews, appointments, forms and questionnaires (both written and online). If you feel that the information that we are requesting, either on our forms or in our discussions with you, is not information that you wish to provide, please feel free to raise this with us.

In some situations we may also obtain personal information about you from a third party source. If we collect information about you in this way, we will take reasonable steps to contact you and ensure that you are aware of the purposes for which we are collecting your personal information and the organisations to which we may disclose your information, subject to any exceptions under the Act. For example, we may collect information about you from a health care professional, such as your doctor.

Health Information

As part of administering Flexible Living services, Flexible Living may collect health information. For example, Flexible Living collects health information (such as medical history) from some clients/beneficiaries participating in Flexible Living programs. When collecting health information from you, Flexible Living will obtain your consent to such collection and explain how the information will be used and disclosed.

If health information is collected from a third party (such as your doctor), Flexible Living will inform you that this information has been collected and will explain how this information will be used and disclosed.

Flexible Living will not use health information beyond the consent provided by you, unless your further consent is obtained or in accordance with one of the exceptions under the Privacy Act or in compliance with another law. If Flexible Living uses your health information for research or statistical purposes, it will be de-identified if practicable to do so.

Part C - Use and disclosure of Personal Information

We only use personal information for the purposes for which it was given to us, or for purposes which are related to one of our functions or activities.

For the purposes referred to in this Position Statement (discussed above under ‘Collection of Personal and Sensitive Information’), we may also disclose your personal information to other external organisations including:

- Government departments/agencies who provide funding for Flexible Living services
- Contractors who manage some of the services we offer to you. Steps are taken to ensure they comply with the APPs when they handle personal information and are authorised only to use personal information in order to provide the services or to perform the functions required by Flexible Living;
- Doctors and health care professionals, who assist us to deliver our services;
- Other regulatory bodies, such as WorkSafe;
- Referees and former employers of Flexible Living employees and volunteers, and candidates for Flexible Living employee and volunteer positions; and
- Our professional advisors, including our accountants, auditors and lawyers.

Except as set out above, Flexible Living will not disclose an individual's personal information to a third party unless one of the following applies:

- the individual has consented
- the individual would reasonably expect us to use or give that information for another purpose related to the purpose for which it was collected (or in the case of sensitive information – directly related to the purpose for which it was collected)
- it is otherwise required or authorised by law
- it will prevent or lessen a serious threat to somebody's life, health or safety or to public health or safety
- it is reasonably necessary for us to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature that relates to our functions or activities
- it is reasonably necessary to assist in locating a missing person
- it is reasonably necessary to establish, exercise or defend a claim at law
- it is reasonably necessary for a confidential dispute resolution process
- it is necessary to provide a health service
- it is necessary for the management, funding or monitoring of a health service relevant to public health or public safety
- it is necessary for research or the compilation or analysis of statistics relevant to public health or public safety

- it is reasonably necessary for the enforcement of a law conducted by an enforcement body.

We do not usually send personal information out of Australia. If we are otherwise required to send information overseas we will take measures to protect your personal information. We will protect your personal information either by ensuring that the country of destination has similar protections in relation to privacy or that we enter into contractual arrangements with the recipient of your personal information that safeguards your privacy.

Part D - Security of Personal and Sensitive Information

Flexible Living takes reasonable steps to protect the personal and sensitive information we hold against misuse, interference, loss, unauthorised access, modification and disclosure.

When the personal information is no longer required, it is destroyed in a secure manner, or deleted according to legislative requirements.

Part E - Access to and correction of personal information

If an individual requests access to the personal information we hold about them, or requests that we change that personal information, we will allow access or make the changes unless we consider that there is a sound reason under the Privacy Act or other relevant law to withhold the information, or not make the changes.

Requests for access and/or correction should be made to the relevant service (details of which are set out below). For security reasons, you will be required to put your request in writing and provide proof of your identity. This is necessary to ensure that personal information is provided only to the correct individuals and that the privacy of others is not undermined.

In the first instance, Flexible Living will generally provide a summary of the information held about the individual. It will be assumed (unless told otherwise) that the request relates to current records. These current records will include personal information which is included in Flexible Living databases and in paper files, and which may be used on a day to day basis.

We will provide access by allowing you to inspect, take notes or print outs of personal information that we hold about you. If personal information (for example, your name and address details) is duplicated across different databases, Flexible Living will generally provide one printout of this information, rather than multiple printouts.

We will take all reasonable steps to provide access to the information requested within 14 days of your request. In situations where the request is complicated or requires access to a large volume of information, we will take all reasonable steps to provide access to the information requested within 30 days.

Flexible Living may charge you reasonable fees to reimburse us for the cost we incur relating to your request for access to information, including in relation to photocopying and delivery cost of information stored off site.

If an individual is able to establish that personal information Flexible Living holds about her/him is not accurate, complete or up to date, Flexible Living will take reasonable steps to correct our records.

Access will be denied if:

- the request does not relate to the personal information of the person making the request;
- providing access would pose a serious threat to the life, health or safety of a person or to public health or public safety;
- providing access would create an unreasonable impact on the privacy of others;
- the request is frivolous and vexatious;
- the request relates to existing or anticipated legal proceedings;
- providing access would prejudice negotiations with the individual making the request;
- access would be unlawful;
- denial of access is authorised or required by law;
- access would prejudice law enforcement activities;
- access would prejudice an action in relation to suspected unlawful activity, or misconduct of a serious nature relating to the functions or activities of Flexible Living
- access discloses a 'commercially sensitive' decision making process or information; or
- any other reason that is provided for in the APP's or in the Privacy Act.

If we deny access to information we will set our reasons for denying access. Where there is a dispute about your right of access to information or forms of access, this will be dealt with in accordance with the complaints procedure set out below.

Part F - Complaints Procedure

If you have provided us with personal and sensitive information, or we have collected and hold your personal and sensitive information, you have a right to make a complaint and have it investigated and dealt with under this complaints procedure.

If you have a complaint about Flexible Living privacy practices or our handling of your personal and sensitive information please contact us via the details which are set out at the end of this document.

All complaints will be logged on our database.

A privacy complaint relates to any concern that you may have regarding Flexible Living privacy practices or our handling of your personal and sensitive information. This could include matters such as how your information is collected or stored, how your information is used or disclosed or how access is provided to your personal and sensitive information. The goal of this protocol is to achieve an effective resolution of your complaint within a reasonable timeframe, usually 30 days or as soon as practicable.

However, in some cases, particularly if the matter is complex, the resolution may take longer. Once the complaint has been made, we will try to resolve the matter in a number of ways such as:

- Request for further information: We may request further information from you. You should be prepared to provide us with as much information as possible, including details of any relevant dates and documentation. This will enable us to investigate the complaint and determine an appropriate solution. All details provided will be kept confidential.
- Discuss options: We will discuss options for resolution with you and if you have suggestions about how the matter might be resolved you should raise these with us.
- Investigation: Where necessary, the complaint will be investigated. We will try to do so within a reasonable time frame. It may be necessary to contact others in order to proceed with the investigation. This may be necessary in order to progress your complaint.
- Conduct of our employees: If your complaint involves the conduct of our employees we will raise the matter with the employee concerned and seek their comment and input in the resolution of the complaint.
- The complaint is substantiated: If your complaint is found to be substantiated, you will be informed of this finding. We will then take appropriate agreed steps to resolve the complaint, address your concerns and prevent the problem from recurring.
- If the complaint is not substantiated, or cannot be resolved to your satisfaction, but this Privacy Position Statement has been followed, Flexible Living may decide to refer the issue to an appropriate intermediary. For example, this may mean an appropriately qualified lawyer or an agreed third party, to act as a mediator.
- At the conclusion of the complaint, if you are still not satisfied with the outcome you are free to take your complaint to the Office of the Australian Information Commissioner at [Home — OAIC](#).

We will keep a record of your complaint and the outcome.

We are unable to deal with anonymous complaints. This is because we are unable to investigate and follow-up such complaints. However, in the event that an anonymous complaint is received we will note the issues raised and, where appropriate, try and investigate and resolve them appropriately.

Part G - Changes to this Position Statement - Privacy

Flexible Living reserves the right to review, amend and/or update this position statement from time to time.

We aim to comply with the APPs and other privacy requirements required to be observed under State or Commonwealth Government contracts.

If further privacy legislation and/or self-regulatory codes are introduced or our Position is updated.

Part H - How to contact us

Individuals can obtain further information in relation to this privacy protocol, or provide any comments, by contacting us:

- **Telephone** – 1300 359 253
- **Online Complaints and Feedback** – [Complaint Form](#)
- **Email** -

Version - 6.0